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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,191	11/14/2003	John Fritsch	12-9540-6520-0000-1	9356
55851 7590 02/27/2008 The MacLean-Fogg Company c/o The Alden Law Group 2122 York Rd Suite # 180 Oak Brook, IL 60523				
EXAMINER				
LAVINDER, JACK W				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
02/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/714,191

**Applicant(s)**

FRITSCH, JOHN

**Examiner**

Jack W. Lavinder

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 9-13 and 20 is/are allowed.
- 6) ☐ Claim(s) 1, 4, 7, 8 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 3, 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 6/29/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

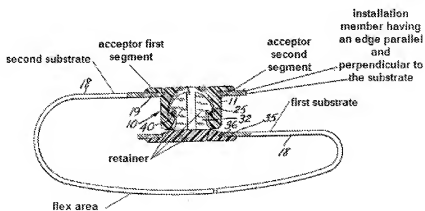
Art Unit: 3677

**DETAILED ACTION****DETAILED ACTION*****Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

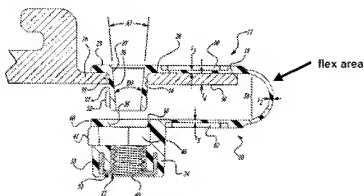
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 2.
3. Claims 1, 4, 7, 8 and 14-19 have been under 35 U.S.C. 103(a) as being unpatentable over Pope, 2610879 in view of Jhumra, 6287064. Pope discloses a u-nut (has a u-nut shape in cross-section, 11, figure 2) with a portion of the nut made from a plastic including a flex area (18) made from paper. Pope also discloses the other limitations of the claimed invention as shown in the annotated figure.



Pope's device is also capable of performing all the functional recitations stated in the claims. Pope fails to disclose the flex area and the first and second substrate made from a polymer as required by the claims.

Jhumra discloses a u-shaped nut including a flex area and a first and second substrate made from a nylon polymer material (col. 3, lines 65-end and col. 4, lines 1-6).



Therefore, it would have been obvious to a person having ordinary skill in the art to make Pope's device from a nylon material in order to improve the strength and corrosion resistance of the nut.

4. Regarding claims 7 and 17, Pope discloses angled surfaces located at the end of the stems in figure 2. Pope fails to disclose an angled surface being at an angle of 45 degrees with respect to the stem. Pope's angled surface is curved to facilitate insertion of the retainer into the acceptor. Applicant's 45 degree angled surface serves the same purpose. Both surfaces facilitate the insertion of the retainer into the acceptor equally as well as the other. Therefore, it would have been an obvious design choice to use an angled surface having a 45-degree angle in Pope's device.

***Allowable Subject Matter***

5. Claims 3, 5 and 6, have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. Claims 2, 9-13 and 20 have been allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack W Lavinder  
Primary Examiner  
Art Unit 3677

/Jack W Lavinder/  
Primary Examiner, Art Unit 3677  
2/3/2008